

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 122 OF 2007

Harish Wasant Jangam ..Petitioner
Vs.
Sau. Kamlabai Harish Jangam
and anr. ..Respondents

Mr. Sandeep Shinde i/by Mr. Vinod Shah for petitioner.
Mr. A.S. Shinde, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 12, 2007.

P.C.:

1. Heard Mr. Shinde with Mr. Shah the learned counsel for the petitioner-husband.

2. The respondent-wife had succeeded before the learned Judicial Magistrate, First Class at Niphad in obtaining an order of payment of maintenance at Rs.700/- per month for herself and Rs.350/- per month each for the two minor daughters. The said order dated 20/10/2005 passed in Criminal Misc. Application No. 89 of 2002 came to be challenged in Criminal Revision Application No. 65 of 2005 and the same came

to be dismissed by the learned Additional Sessions Judge at Niphad on 8/11/2006.

3. The wife had submitted before the learned Magistrate 7x12 extracts of the agricultural land, property extract and it is clear that the total agricultural land holding is 6 H. 51 R. out of which 5 H. 50 R. is irrigated land and though it is a joined family property between the brothers, the agricultural income estimated came to about Rs.1,00,000/- per annum. The non-applicant husband stated before the learned Magistrate that he was earning about Rs.40/- to Rs.50/- per day from the business of weaving of beads. The wife had also stated that the husband used to take contract of weekly market of Grampalika at Niphad and he earns about Rs.2,00,000/- per annum from such contract. Taking into consideration these different financial sources of earning of the petitioner-husband, the learned Magistrate fixed the amount of maintenance of Rs.700/- p.m. for the wife and Rs.350/- p.m. to each of the minor daughters. The learned Judge of the revision court also has gone through the reasoning set

out by the learned Magistrate and there is no case made out to disturb the concurrent finding recorded by both the courts below.

4. Hence, the petition is rejected summarily.

(B.H. Marlapalle, J.)